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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Q76051

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23373 7590 11/27/2009  
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EXAMINER

FRITZ, BRADFORD F

ART UNIT

PAPER NUMBER

2442

NOTIFICATION DATE

DELIVERY MODE

11/27/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/726,613	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> BRADFORD F. FRITZ	<b>Art Unit</b> 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed 7/10/09, with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Silvka et al. (6,049,671) and Smith et al. (6,067,582).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 and 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner notes that any claim rejected under 112 and not specifically mentioned below remains rejected based on its dependency.

4. The term "appropriate" in claims 1, 5, 8, 14, 16, 18, and 22 is a relative term which renders the claim indefinite. The term "appropriate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-13, and 27-32 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 U.S.C. 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-25 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silvka et al. (6,049,671), hereinafter referred to as Silvka, in view of Smith et al. (6,067,582), hereinafter referred to as Smith.

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9. Regarding claim 1, Silvka disclosed a service-providing server (Fig. 2) for registering applications for client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), said applications provided from a plurality of service developers through a wired/wireless communication network (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), and for providing an application selected from a list of registered applications according to information on the client devices installed in the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); an application service module which collects information on said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein the service agent determines a list of collected applications from said list of registered applications based on the collected information on said client devices (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), the list of collected applications comprising applications which are appropriate for the client devices on said intranet (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein the selected application is selected from the list of collected applications (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b).

However, Silvka does not explicitly teach a service agent which automatically requests said list of registered applications at a predetermined interval. Smith teaches a service agent which automatically requests said list of registered applications at a predetermined interval (column 6, lines 11-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by

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Smith in the system of Silvka because both are form the same field of endeavor and in order to reduce complications/time for the user by automatically checking for new updates at scheduled intervals.

10. Regarding claims 2 and 9, Silvka disclosed a service registration module for registering location information on each application provided from the service developers together with meta information (column 7, lines 39 - column 8, line 5 and Figs. 4a-4b); and a service search module for searching the list of applications registered in the service registration module and providing search results when an application service module requests to search the applications registered in the service registration module (column 7, lines 39 - column 8, line 5 and Figs. 4a-4b).

11. Regarding claims 3 and 10, Silvka disclosed wherein the location information represents a path for downloading the applications provided from the respective service developers (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b).

12. Regarding claims 4 and 11, Silvka disclosed is application information including a component for operation (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b), a type of device used for the operation (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b), a service location and an ID of a service developer (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b), said component for operation provided for distinguishing service functions of the applications (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b).

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13. Regarding claim 5, Silvka disclosed an application service module for accessing a service providing server (Fig. 2) in which applications for client devices on the intranet are registered (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), said applications provided from a plurality of service developers through a wired/wireless communication network (abstract, column 7, line 14 – column 8, line 5, column 8, line 42-64, and Figs. 4a-4b), for searching a list of applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), and for providing an application selected from the list of searched applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), corresponding to information on the devices installed in the intranet of a user (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein said application service module collects information on said client devices on the intranet (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); and a service agent which determines a list of collected applications from said list of applications based on the collected information on said client devices (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), the list of collected applications comprising applications which are appropriate for the client devices on said intranet (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein the selected application is selected from the list of collected applications (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b).

However, Silvka does not explicitly teach a service agent which automatically requests said list of registered applications at a predetermined interval. Smith teaches

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a service agent which automatically requests said list of registered applications at a predetermined interval (column 6, lines 11-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Smith in the system of Silvka because both are from the same field of endeavor and in order to reduce complications/time for the user by automatically checking for new updates at scheduled intervals.

14. Regarding claims 6 and 12, Silvka disclosed wherein the application service module is a gateway for connecting a computing environment of the intranet with the service-providing server (column 13, lines 15-25 and column 18, lines 44-60, Fig. 2).

15. Regarding claims 7 and 13, Silvka disclosed wherein the application service module comprises a service agent for searching the list of applications registered in the service-providing sever (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), collecting information on the devices operating in the intranet of the user (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), and providing only the applications selected in accordance with the user's intranet (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b).

13. Regarding claim 8, Silvka disclosed a service-providing server (Fig. 2) for registering applications for client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), said applications provided from a plurality of service developers through a wired/wireless communication network (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), and providing a selected application (abstract, column 7, line 14 – column 8, line 5,



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column 8, lines 42-64, and Figs. 4a-4b); and an application service module for searching a list of applications registered in the service-providing server and providing an application (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), selected from the list of searched applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), corresponding to information on the devices installed in the intranet of a user (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein said application service module collects information on said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); and a service agent which determines a list of collected applications from said list of applications based on the collected information on said client devices (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), the list of collected applications comprising applications which are appropriate for the client devices on said intranet, wherein the selected application is selected from the list of collected applications (column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b).

However, Silvka does not explicitly teach an application service module which automatically requests said list of registered applications at a predetermined interval. Smith teaches an application service module which automatically requests said list of registered applications at a predetermined interval (column 6, lines 11-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Smith in the system of Silvka because both are form

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the same field of endeavor and in order to reduce complications/time for the user by automatically checking for new updates at scheduled intervals.

16. Regarding claim 14, Silvka disclosed an application registration step for registering applications for home network devices in a service-providing server (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), said applications provided from service developers (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); and an application providing step for providing an application selected from a list of registered applications according to information on the devices installed in the intranet of a user (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); an information collecting step for collecting information on said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); a determining step for determining applications which are appropriate for said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), based on the collected information on said client devices, to generate a list of determined applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein the selected application is selected from the list of determined applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b).

However, Silvka does not explicitly teach wherein said list of registered applications is automatically requested at a predetermined interval, by a service agent. Smith teaches wherein said list of registered applications is automatically requested at a

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predetermined interval, by a service agent (column 6, lines 11-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Smith in the system of Silvka because both are from the same field of endeavor and in order to reduce complications/time for the user by automatically checking for new updates at scheduled intervals.

17. Regarding claims 15, 19, and 23, Silvka disclosed wherein the application registration step further comprises storing meta information and a download path for the applications (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b), provided from the service developers, in a database (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b).

18. Regarding claims 16, 20, and 24, Silvka disclosed comparing the list of searched applications with information on the home network devices collected through an intranet gateway of the user (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b); selecting only applications appropriate for the intranet of the user from the list of searched applications based on the comparison results (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b); and providing a list of the selected applications to the user (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b), and requesting the service-providing server to transmit a specific application if the specific application is selected by the user (column 7, lines 39-column 8, line 5, column 18, lines 44-60, and Figs. 4a-4b).

19. Regarding claims 17, 21, and 25, Silvka disclosed downloading applications to and executing the downloaded applications in the intranet gateway of the user (column

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7, lines 39-column 8, line 5, and Figs. 4a-4b), allowing the user to utilize a relevant service (column 7, lines 39-column 8, line 5, and Figs. 4a-4b).

20. Regarding claim 18, Silvka disclosed an application search step for accessing a service-providing server in which applications for client devices on the intranet are registered (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), said applications provided from service developers (column 11, lines 59-67), and searching a list of the registered applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); and an application providing step for providing the list of searched applications selected in accordance with an intranet environment of a user and receiving the selected applications from the service-providing server in response to a selection of the user (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); an information collecting step for collecting information on said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); a determining step for determining applications which are appropriate for said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), based on the collected information on said client devices, to generate a list of determined applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein the selected application is selected from the list of determined applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b).

However, Silvka does not explicitly teach wherein said list of registered applications is automatically requested at a predetermined interval, by a service agent. Smith teaches wherein said list of registered applications is automatically requested at a predetermined interval, by a service agent (column 6, lines 11-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Smith in the system of Silvka because both are from the same field of endeavor and in order to reduce complications/time for the user by automatically checking for new updates at scheduled intervals.

21. Regarding claim 22, Silvka disclosed an application registration step for registering applications for client devices on the intranet in a service-providing server (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), said applications provided from service developers: an application search step for accessing the service-providing server and searching a list of the registered applications: an application list providing step for selecting the list of searched applications in accordance with an intranet environment of a user and providing the list of selected applications to the user (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); and an application providing step for receiving a specific application from the service-providing server if the user selects the specific application from the list of selected applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), an information collecting step for collecting information on said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b); a determining step for

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determining applications which are appropriate for said client devices on the intranet (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), based on the collected information on said client devices (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), to generate a list of determined applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b), wherein the selected application is selected from the list of determined applications (abstract, column 7, line 14 – column 8, line 5, column 8, lines 42-64, and Figs. 4a-4b).

However, Silvka does not explicitly teach wherein said list of registered applications is automatically requested at a predetermined interval, by a service agent. Smith teaches wherein said list of registered applications is automatically requested at a predetermined interval, by a service agent (column 6, lines 11-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Smith in the system of Silvka because both are from the same field of endeavor and in order to reduce complications/time for the user by automatically checking for new updates at scheduled intervals.

22. Regarding claim 27, Silvka disclosed wherein the service agent is connected to each of the client devices installed on the intranet (column 13, lines 15-25 and column 18, lines 44-60, Fig. 2).

23. Regarding claim 28, Silvka disclosed wherein the selected application is an upgrade for at least one of the client devices installed on the intranet (column 13, lines 15-25 and column 18, lines 44-60, Fig. 2).

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24. Regarding claim 29, Silvka disclosed wherein the selected application allows at least one of the client devices installed on the intranet to provide a new service that was previously not provided (column 8, lines 42-64 and Figs. 4a-4b).

25. Regarding claim 30, Silvka disclosed wherein the service-providing server provides the list of registered applications to the service agent (column 7, lines 39-column 8, line 5, and Figs. 4a-4b).

26. Regarding claim 31, Silvka disclosed wherein the selected application is retrieved from the service developers (column 8, lines 42-64 and Figs. 4a-4b).

27. Regarding claim 32, Silvka disclosed wherein the retrieved selected application is installed on a client device which the selected application corresponds to (column 8, lines 42-64 and Figs. 4a-4b).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADFORD F. FRITZ whose telephone number is (571)272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. F. F./  
Examiner, Art Unit 2442

/Joon H. Hwang/  
Supervisory Patent Examiner, Art Unit 2447